

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**WALTER L. JACOBS, M.D.**

Holder of License No. 3829  
For the Practice of Allopathic Medicine in the  
State of Arizona

Docket No. 05A-31547-MDX

Case No. MD-05-0069A

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER FOR  
REVOCATION OF LICENSE**

On June 7, 2006 this matter came before the Arizona Medical Board ("Board") for oral argument and consideration of the Administrative Law Judge ("ALJ") Brian Brendan Tully's proposed Findings of Fact and Conclusions of Law and Recommended Order involving Walter L. Jacobs, M.D. ("Respondent"). Respondent was notified of the Board's intent to consider this matter at the Board's public meeting. Respondent did not appear and was not represented by counsel. The State was represented by Assistant Attorney General Dean E. Brekke. Christine Cassetta, of the Solicitor General's Section of the Attorney General's Office provided legal advice to the Board.

The Board having considered the ALJ's report and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

**FINDINGS OF FACT**

1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 3829 for the practice of allopathic medicine in Arizona.

3. The Board issued a Complaint and Notice of Hearing in this matter and referred it to the Office of Administrative Hearings, an independent agency, for formal hearing. On two occasions a copy of the Complaint and Notice of Hearing was sent via certified mail by the

1 Board to Respondent at his address of record with the Board. Both mailings were returned to  
2 the Board as unclaimed.

3 4. On September 28, 2004 the Board voted to summarily suspend Respondent's  
4 license for violation of a Board Order unless he agreed to sign an Interim Consent Agreement  
5 for Practice Restriction and Inpatient or Residential Treatment ("Agreement"). Respondent  
6 executed the Agreement.

7 5. On September 21, 2004 Respondent had entered into a Stipulated  
8 Rehabilitation Agreement ("SRA") with the Board and began participating in the Board's  
9 Monitored Aftercare Program ("MAP").

10 6. The "Relapse, Violation" term of the SRA provides that "[i]n the event of a  
11 chemical dependency relapse by Physician or use of drugs or alcohol by Physician in violation  
12 of this Agreement, Physician shall promptly enter into an Interim Stipulated Agreement which  
13 requires, among other things that the physician not practice medicine until such time as the  
14 Physician successfully completes an inpatient or residential treatment program for chemical  
15 dependency designated by the Board or staff and obtains the affirmative approval of the Board  
16 to return to the practice of medicine." The SRA went on to outline how the Board would  
17 determine if Respondent were fit to return to practice.

18 7. On September 27, 2004 Respondent met with the Board's addiction medicine  
19 specialist and Board staff for a post-treatment interview to review the terms of the SRA and  
20 MAP. During this interview, Respondent admitted to having ingested controlled substances that  
21 he self-prescribed on Saturday, September 25, 2004.

22 8. Respondent's self-prescribing and ingesting of controlled substances is a  
23 violation of the SRA and presents evidence of a danger to the public health and safety.

24 9. Respondent voluntarily removed himself from practice by signing the  
25 Agreement and agreed to undergo an inpatient evaluation within 10 days.

1           10.     Respondent has never provided the Board or its staff with confirmation that he  
2 entered inpatient treatment.

3                                   **CONCLUSIONS OF LAW**

4           1.     The Board has jurisdiction over Respondent and the subject matter in this  
5 case.

6           2.     The Board complied with the provisions of A.R.S. § 32-1451 by sending a copy  
7 of the Complaint and Notice of Hearing by certified mail to Respondent at his address of record  
8 with the Board.

9           3.     The conduct and circumstances described in the above Findings constitute  
10 unprofessional conduct by Respondent pursuant to A.R.S. § 32-1401(27)(f) ("habitual  
11 intemperance in the use of alcohol or habitual substance abuse").

12          4.     The conduct and circumstances described in the above Findings constitute  
13 unprofessional conduct by Respondent pursuant to A.R.S. § 32-1401(27)(g) ("using controlled  
14 substances except if prescribed by another physician for use during a prescribed course of  
15 treatment").

16          5.     The conduct and circumstances described in the above Findings constitute  
17 unprofessional conduct by Respondent pursuant to A.R.S. § 32-1401(27)(j) ("prescribing,  
18 dispensing or administering any controlled substance or prescription-only drug for other than  
19 accepted therapeutic purposes").

20          6.     The conduct and circumstances described in the above Findings constitute  
21 unprofessional conduct by Respondent pursuant to A.R.S. § 32-1401(27)(r) ("violating a formal  
22 order, probation, consent agreement or stipulation issued or entered into by the board or its  
23 executive director under this chapter").

1 ORDER

2 Based upon the Findings of Fact and Conclusions of Law as adopted, the Board hereby  
3 enters the following Order:

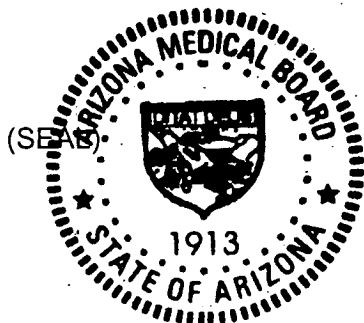
4 Respondent's license No. 3829 to practice allopathic medicine in the State of Arizona  
5 is revoked on the effective date of this Order and Respondent shall return his wallet card and  
6 certificate of licensure to the Board.

7 RIGHT TO PETITION FOR REHEARING OR REVIEW

8 Respondent is hereby notified that he has the right to petition for a rehearing or  
9 review by filing a petition with the Board's Executive Director within thirty (30) days after  
10 service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient  
11 reasons for granting a rehearing. A.C.C. R4-16-102. Service of this order is effective five  
12 (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order  
13 becomes effective thirty-five (35) days after it is mailed to Respondent.

14 Respondent is further notified that the filing of a motion for rehearing is required  
15 to preserve any rights of appeal to the Superior Court.

16 Dated this 5 day of JUNE, 2006.



ARIZONA MEDICAL BOARD

23 By: [Signature]  
24 Timothy C. Miller, J.D.  
25 Executive Director

Original of the foregoing filed this  
12 day of June, 2006, with:

Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, AZ 85258

1 Copy of the foregoing filed this  
2 12<sup>th</sup> day of June, 2006, with:

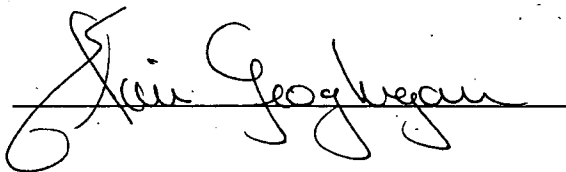
3 Cliff J. Vanell, Director  
4 Office of Administrative Hearings  
1400 W. Washington, Ste. 101  
Phoenix, AZ 85007

5 Executed copy of the foregoing mailed  
6 by Certified Mail this 12<sup>th</sup> day of June,  
2006, to:

7 Walter L. Jacobs, M.D.  
8 (Address of record)

9 Executed copy of the foregoing mailed  
10 this 12<sup>th</sup> day of June, 2006, to:

11 Dean Brekke  
12 Assistant Attorney General  
Office of the Attorney General  
CIV/LES  
1275 W. Washington  
13 Phoenix, Arizona 85007

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